

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No. 21-22423-GLT
JASON L. LINT and	:	
APRIL M. LINT	:	Chapter 13
aka APRIL M. BROSKEY,	:	
	:	
Debtors.	:	Related to Doc. Nos. 39, 43 and 51
	:	

**RESPONSE TO ORDER DATED NOVEMBER 7, 2022 [DOC. NO. 51]**

Ally Bank (“Ally”) files this Response to Order dated November 7, 2022 [Doc. No. 51] and states as follows.

1. On September 27, 2022, Ally filed its Motion for Relief from Automatic Stay [Doc. No. 39], asserting that the Debtors were delinquent in their post-petition payments to Ally since May 20, 2022.

2. The Debtors filed a response to the Motion, clarifying that Ally had actually received approximately \$5,276.00 through the Debtors’ chapter 13 plan and requesting the reimbursement of attorneys’ fees related to the defense of the Motion. [Doc. No. 43.]

3. On November 7, 2022, after a hearing, the Court issued an Order denying the Motion and directing Ally to file a supplemental response explaining why the Debtors should not be entitled the reimbursement of attorneys’ fees. [Doc. No. 51.]

4. In accordance with the Court’s directives, Ally files this Response and avers that the Motion was filed in good faith.

5. At the time the Motion was filed, Ally believed, in good faith, that the arrears due and owing to Ally, pursuant to the Debtors’ confirmed plan, totaled \$2,477.59.

6. An internal error led to Ally's failure to properly account for the payments received by the chapter 13 trustee in this case.

7. The mistake was inadvertent and unintentional.

8. After speaking with counsel for the Debtors on the day prior to the hearing, the undersigned notified Ally of the total payments distributed by the chapter 13 trustee on the day prior to the hearing.

9. Ally reviewed the information provided by counsel and granted counsel the authority to withdraw the motion; however, such authority was not received by counsel until after the hearing before this Honorable Court concluded.

10. Ally and its counsel understand the importance of properly accounting for and applying distributions received from the chapter 13 trustee, and Ally will take steps to ensure that such accounting errors do not occur in the future.

WHEREFORE, Ally Bank respectfully requests that the Court deny the Debtors' request for reimbursement of attorney's fees related to the Motion for Relief from Automatic Stay.

Respectfully submitted,

Dated: November 16, 2022

TUCKER ARENSBERG, P.C.

/s/ Maribeth Thomas

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